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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,437	02/14/2001	Joseph Ward	75275B/PRC	1648

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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/783,437	Applicant(s) WARD ET AL.	
	Examiner Tuan V. Ho	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE __ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 9, 14, 16-18, 21, 23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 29, 21, 30, 23, 31, 25 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 26, 27, 17, 18 and 28 is/are rejected.
- 7) ☒ Claim(s) 2, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/05 has been entered.

2. It should be noticed that Art Unit No. 2615 has been changed to Art Unit No. 2622.

3. After carefully review the claims, the allowance of claims 1, 3, 26, 27, 17, 18 and 28 has been withdrawn because of new grounds of rejection. The examiner regrets any inconvenience to Applicant.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the

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invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 26, 27, 17, 18 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al (US 5,737,491).

The applied reference has a common assignee (Eastman Kodak Company) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claim 26, Allen et al discloses in Fig. 1, digital camera 10 that comprises the sensor (image sensor 14, col. 2, line 36), first memory (memory 22, col. 2, lines 39), a second memory for storing a network configuration file, said network configuration file containing a protocol type and instruction information for communicating with a selected destination (microprocessor 20 receives addresses file names from input device 27; wherein digital camera 10 transmits image

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data to server 34 in accordance with the address or file name attached to the image data; thus, microprocessor 20 is inherently included a memory that is used to store addresses or file names; besides that, microprocessor 20 must inherently store a protocol that is used to communicate with server 34; it is noted that the examiner takes a broader interpretation to treat a communication between digital camera 10 and server 34 to be a network communication system; thus, processor 20 is inherently included a memory used to store network configuration file containing a protocol type and instruction information); communications interface (wireless transceiver 32); means for loading the network configuration tile into the second memory (input device 27 including a key board or LCD touch screen is used to load addresses or file name); and user interface for selecting an image destination and for commanding the camera to send the image to the selected destination via the communications interface, using the information in the network configuration file (input device is used by a user to selects a destination (col. 2, lines 63-67 and col. 3, lines 1-10)).

With regard to claim 1, claim 1 recites what was discussed with respect to claim 26. Furthermore, Allen et al discloses communication interface connects to an RF cellular phone network (transceiver 32, col. 3, lines 5-10).

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With regard to claim 3, Furthermore, Allen et al discloses the host PC (external input device includes a keyboard or LCD touch screen (col. 2, lines 63-67) that inherently includes a personal computer since a computer converts data from a keyboard to digital data; wherein the digital can be transmitted to microprocessor 20 as addresses or file name).

With regard to claim 27, Furthermore, Allen et al discloses in Fig. 1, the account data (a camera serial number attached to each image data is used to identify a user having an account with server 34; wherein the serial number is considered as account data since it is used to extract information of a user account, col. 3, lines 5-28 and col. 4, line 9).

With regard to claim 17, Furthermore, Allen et al discloses in Fig. 1, the account data (a camera serial number attached to each image data is used to identify a user having an account with server 34; wherein the serial number is considered as charge number data since it is used to extract charge information of a user account in server 34, col. 3, lines 5-28 and col. 4, line 9).

With regard to claim 18, Furthermore, Allen et al discloses in Fig. 1, the account data (a camera serial number attached to each image data is used to identify a user having an account with server 34; wherein the serial number is considered as

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billing address since it is used to extract information of a user address, col. 3, line 28, col. 3, lines 5-28 and col. 4, line 9).

With regard to claim 28, Furthermore, Allen et al discloses in Fig. 1, the account data (a camera serial number attached to each image data is used to identify a user having an account with server 34; wherein the serial number is considered as pass word data since it is used to gain an excess of a user account, col. 3, lines 5-28 and col. 4, line 9 or verbal command "Bill" is used to gain an excess to a user account).

6. Claims 2, 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 9, 29, 21, 30, 23, 31 and 25 are allowed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolff (US 6,209,048) discloses a peripheral device that can be connected a Network; wherein the peripheral device includes a digital camera.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.



TUAN HO
PRIMARY EXAMINER